



4. Defendant Charlene Dorman resides in California. Defendant Bianca Dorman Humphries resides in British Columbia, Canada. Defendant Lydia Dorman Smith resides in Michigan. Defendant Todd Dorman resides in New York.

5. Charlene Dorman is the daughter of deceased Captain Parker Arms Partnership partner Alfred P. Tropeano (he was another brother of Plaintiff Philip L. Tropeano). Bianca Dorman Humphries, Lydia Dorman Smith, and Todd Dorman are her children.

6. The Captain Parker Arms Partnership. The Captain Parker Arms Partnership is a Massachusetts partnership created by a written agreement dated January 8, 1964, and the successor to an earlier partnership which had been organized in January 1955. The partnership was created to construct and operate the apartment complex known as Captain Parker Arms, at the corner of Worthen Road and Waltham Street in Lexington, Massachusetts.

7. The initial partners of the Captain Parker Arms Partnership and their percentage partnership interests were:

Alfred P. Tropeano	40%
Wilbur C. Nylander	15%
Louis Tropeano	15%
Joseph C. Tropeano	15%
Philip L. Tropeano	<u>15%</u>
	100%

8. Former Captain Parker Arms Partnership partner Joseph Tropeano died on or about August 14, 1985. After his death, the partners of the Captain Parker Arms Partnership and their percentage partnership interests were:

Alfred P. Tropeano	47.059%
Wilbur C. Nylander	17.647%
Louis Tropeano	17.647%
Philip L. Tropeano	<u>17.647%</u>
	100.00%

9. Former Captain Parker Arms Partnership partner Wilbur C. Nylander died on or about October 7, 1991. After his death, his interest in the partnership was inherited by his heirs. On or about, February 19, 1993, Mr. Nylander's heirs, collectively the holders of a 17.647% partnership interest, sold their interests to the partnership, after which the partners of the Captain Parker Arms Partnership and their percentage partnership interests were:

Alfred P. Tropeano	57.14%
Louis Tropeano	21.43%
Philip L. Tropeano	<u>21.43%</u>
	100.00%

10. Former Captain Parker Arms Partnership partner Louis Tropeano died on or about April 1, 1993. His partnership interest was inherited by his children, Peter Tropeano and Carolyn Patten, after which the partners of the Captain Parker Arms Partnership and their percentage partnership interests were:

Alfred P. Tropeano	57.14%
Peter Tropeano	10.715%
Carolyn Patten	10.715%
Philip L. Tropeano	<u>21.43%</u>
	100.00%

11. Former Captain Parker Arms Partnership partner Alfred P. Tropeano died on or about August 5, 1997. His partnership interest was inherited by his daughter and grandchildren, Charlene Dorman, Bianca Dorman Humphries, Lydia Dorman Smith, and Todd Dorman, after which the partners of the Captain Parker Arms Partnership and their percentage partnership interests were:

Charlene Dorman	36.14%
Bianca Dorman Humphries	7.00%
Lydia Dorman Smith	7.00%
Todd Dorman	7.00%
Peter Tropeano	10.715%
Carolyn Patten	10.715%
Philip L. Tropeano	<u>21.43%</u>
	100.00%

12. By letter dated August 21, 2003, Plaintiffs Philip L. Tropeano, Peter Tropeano, and Carolyn Patten gave notice of their withdrawal from the Captain Parker Arms Partnership effective October 1, 2003.

13. The First Circuit has ruled that Plaintiffs were entitled to withdraw from the partnership and are entitled to the value of their partnership interests as of October 1, 2003, pursuant to Mass. G.L.c. 108A, §42. Tropeano v. Dorman, 441 F.3d 69, 82 (1st Cir. 2006).

14. Following the withdrawal of the Plaintiffs, the partners of the Captain Parker Arms Partnership and their percentage partnership interests have been:

Charlene Dorman	63.25%
Bianca Dorman Humphries	12.25%
Lydia Dorman Smith	12.25%
Todd Dorman	<u>12.25%</u>
	100.00%

15. Each time a partner of the Captain Parker Arms Partnership has died or withdrawn, the remaining partners have continued the business of the partnership. The individual Defendants have continued to operate the business of the Captain Parker Arms Partnership since the Plaintiffs withdrew as partners.

16. The Real Property. The real property on which the Captain Parker Arms Partnership operates its business is a 10.72 acre site, consisting of Lot 14 shown on Land Court Plan No. 27677-G (approximately 8.98 acres) and Lot 17 shown on Land Court Plan No. 27677-H (approximately 1.74 acres), and generally known and described as 125 Worthen Road, Lexington, Middlesex County, Massachusetts. Lot 14 is improved with 11 multi-unit apartment buildings, containing a total of 94 units, known as the Captain Parker Arms Apartments. Lot 17 is non-buildable wetlands.

17. T&N Realty Trust. The T&N Realty Trust is a Massachusetts trust created by written instrument dated June 26, 1962, and subsequently amended, filed in the Massachusetts Land Registration Office of the Middlesex South Registry of Deeds as Document No. 401177 (the "Trust"). The principal place of business of the Trust is located in Lexington, Massachusetts.

18. Legal title to the real estate on which Captain Parker Arms Partnership operates its business is held by the T&N Realty Trust.

19. Property Management. Between approximately April 1993 and August 2003, Plaintiff Peter Tropeano served as the paid property manager for the Captain Parker Arms Apartments. Since August 2003, The Dolben Company, Inc. ("Dolben") has served as the property manager.

20. Distributions. Plaintiffs received Captain Parker Arms Partnership distributions each time distributions were made to the partners through and including the partner distribution made in August 2003. Plaintiffs have not received any Captain Parker Arms Partnership distributions since August 2003.

21. Operating Income. As reported in the Captain Parker Arms federal income tax returns (Form 1065) for 2002, filed with the Internal Revenue Service, during 2002 the

Partnership had gross rents of \$1,445,398, total expenses of \$911,256, and net operating income of \$534,142.

/s/ Thomas M. Ciampa

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Thomas M. Ciampa – BBO# 566898  
Ciampa & Associates  
20 Park Plaza, Suite 804  
Boston, Massachusetts 02116  
Tel.: (617) 742-5955  
Attorney for the Plaintiffs

/s/ Sander A. Rikleen

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Sander A. Rikleen – BBO# 420280  
Christine M. O'Connor – BBO# 647535  
EDWARDS ANGELL PALMER & DODGE LLP  
111 Huntington Avenue  
Boston, Massachusetts 02199  
Tel.: 617-239-0100  
Fx: 617-227-4420  
Attorneys for the Defendants

Dated: December 10, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system pursuant to Local Rule 5.4 will be sent electronically to all other parties.

\_\_\_\_\_/s/ Christine M. O'Connor\_\_\_\_\_